

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 2860

IN THE MATTER OF:

Served May 16, 1986

Application of ELEVEN AMERICANS	)	Case No. AP-86-11
TRANSPORT ENTERPRISE, INC., for a	)	
Certificate of Public Convenience	)	
and Necessity to Conduct Special	)	
Operations	)	

By application filed March 26, 1986, as supplemented March 31, 1986, and May 12, 1986, Eleven Americans Transport Enterprise, Inc. ("Transport Enterprise" or "applicant"), seeks authority to transport passengers in special operations, together with mail, express and baggage in the same vehicle with passengers, over irregular routes, between points in the Metropolitan District "except transportation solely within the Commonwealth of Virginia." 1/

Applicant would provide the proposed service using two vans seating eight to twelve passengers. Service would be available by appointment only. 2/ Applicant submitted a proposed tariff indicating rates between specific areas in Montgomery and Prince George's Counties, Md., and the District of Columbia, on the one hand, and, on the other, Washington National Airport, Gravelly Point, Va. One-way trips range in price from \$7 to \$15. Round-trip fares range from \$14 to \$30. 3/

With its application Transport Enterprise submitted an undated balance sheet showing current assets of \$22,451 and fixed assets, after allowance for depreciation, of \$16,988. No current liabilities are shown. However, the balance sheet indicates long-term liabilities of

---

1/ As this application recognizes, the Commission's jurisdiction does not extend to intra-Virginia transportation. See Compact, Title II, Article XII, Section 1(b).

2/ Applicant initially proposed scheduled service between Washington National Airport, on the one hand, and, on the other, seven hotels in Maryland and the District of Columbia. The schedule was withdrawn on May 12, 1986.

3/ Applicant states that other fares will be added as the service develops.

\$16,988 and "other" liabilities of \$12,830. Capital stock of \$4,496 and surplus of \$5,125 are listed. Applicant also submitted an operating statement. The period covered by the statement is unspecified. The statement indicates revenues of \$24,879 including \$22,151 "carrier operating income" and \$2,361 in charter revenues. <sup>4/</sup> Expenses totaling \$16,917 before provision for income tax of \$3,121 are listed, resulting in net income of \$4,841.

This application raises questions which applicant must resolve prior to hearing. First, although applicant maintains that it seeks special operations authority between points in the Metropolitan District, it has repeatedly filed proposed tariffs that only contain rates to and from Washington National Airport, Gravelly Point, Va. If Transport Enterprise wants to serve National Airport only, the proposed tariff submitted with the application is sufficient but applicant must amend its application to indicate that it seeks more limited authority. If applicant is seeking authority between all points in the Metropolitan District, then a tariff applicable to such service must be submitted. The tariff is necessary because a grant of Transport Enterprise's application will impose on applicant an obligation to provide service throughout the Metropolitan District. The Commission must approve the rates charged, and the public must be able to ascertain what those rates are. In either case applicant is reminded that the Commission is only empowered to grant a certificate of public convenience and necessity commensurate with the evidence adduced at hearing. Second, applicant shall be directed to provide a balance sheet as of a specific date and indicate the period covered by its operating statement.

Pursuant to Title II, Article XII, Section 4(b) of the Compact, this application must be scheduled for public hearing to determine if applicant is fit, willing and able properly to perform the proposed service and to abide by pertinent regulatory requirements, and to determine if the public convenience and necessity require the proposed service.

THEREFORE, IT IS ORDERED:

1. That a public hearing in Case No. AP-86-11 is hereby scheduled to commence Thursday, June 19, 1986, at 9:30 a.m. in the hearing room of the Commission, 1625 I Street, N.W., Room 314, Washington, D.C. 20006.
2. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District notice of this application and the hearing thereon, in the form prescribed by the staff of the Commission, no later than Friday, May 23, 1986, and present at the hearing an affidavit of said publication.

---

<sup>4/</sup> This application seeks authority for special operations only.

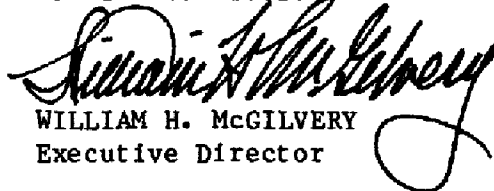
3. That applicant produce at the hearing scheduled in this matter, all pertinent documents used or consulted in the formulation of its financial statements.

4. That any person desiring to protest this application shall file a protest in accordance with Commission Rule No. 14, or any person desiring to be heard on this matter shall so notify the Commission, in writing, no later than Monday, June 9, 1986, and shall simultaneously serve a copy of such protest or notice on counsel for applicant, Barry Lenoir, Esquire, 1625 I Street, N.W., Suite 804, Washington, D.C. 20006.

5. That applicant is hereby assessed \$600 pursuant to Title II, Article XII, Section 19 of the Compact, and is directed to deliver said amount to the office of the Commission, 1625 I Street, N.W., Room 316, Washington, D.C. 20006, no later than Monday, June 9, 1986.

6. That applicant is hereby directed to file with the Commission an original and four copies of either a revised tariff or an amended application, and more specifically identified financial information as discussed in this order, no later than Monday, June 9, 1986.

FOR THE COMMISSION:

  
WILLIAM H. MCGILVERY  
Executive Director

